

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO
RICO,

as representative of

THE COMMONWEALTH OF PUERTO
RICO, et al.,

Debtors.¹

PROMESA

Title III

No. 17 BK 03283-LTS

(Jointly Administered)

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO
RICO,

as representative of

THE EMPLOYMENT RETIREMENT
SYSTEM OF THE COMMONWEALTH
OF PUERTO RICO (“ERS”),

Debtor.

PROMESA

Title III

No. 17 BK 03566-LTS

MOTION FOR LEAVE TO FILE “SUR-REPLY”

¹ The Debtors in these Title III cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17-BK-3283 (LTS)) (Last Four Digits of Federal Tax ID: 3481); (ii) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17-BK-3566 (LTS)) (Last Four Digits of Federal Tax ID: 9686); (iii) Puerto Rico Highways and Transportation Authority (Bankruptcy Case No. 17-BK-3567 (LTS)) (Last Four Digits of Federal Tax ID: 3808); (iv) Puerto Rico Sales Tax Financing Corporation (Bankruptcy Case No. 17-BK-3284 (LTS)) (Last Four Digits of Federal Tax ID: 8474); and (v) Puerto Rico Electric Power Authority (Bankruptcy Case No. 17-BK-4780 (LTS)) (Last Four Digits of Federal Tax ID: 3747) (Title III case numbers are listed as bankruptcy case numbers due to software limitations).

TO THE HONORABLE COURT:

COME NOW the Individual Plaintiffs Pedro José Nazario-Serrano, Joel Rivera-Morales, María de Lourdes Gómez-Pérez, Héctor Cruz-Villanueva, Lourdes Rodríguez and Luis M. Jordán-Rivera, all of them retirees/beneficiaries and plaintiffs in the claim for damages, that is currently pending in the Commonwealth of Puerto Rico Court of First Instance, San Juan Part (the “Commonwealth Court”), without submitting to the jurisdiction of this Court, by and through the undersigned counsel and, in accordance with Local Rule 7.1(c), very respectfully request leave to file a “*SUR-REPLY*” to the motion entitled “*Reply In Further Support of Motion of UBS Financial Services Incorporated of Puerto Rico for Relief from the Automatic Stay*”, filed by UBS Financial Services Incorporated of Puerto Rico (hereinafter “UBS”).

A short “*SUR-REPLY*” is necessary because, in an attempt to lead this Court into error, UBS has made material misrepresentations and has misconstrued the underlying facts of the Commonwealth Court litigation with respect to the rights and remedies sought by the appearants.

Plaintiffs’ “*SUR-REPLY*” is respectfully tendered herewith.

WHEREFORE, the appearing party respectfully request leave to file the tendered “*SUR-REPLY*”.

RESPECTFULLY SUBMITTED.

WE HEREBY CERTIFY: That a true and exact copy of this motion was served on counsels for UBS, McConnell Valdes LLC, 270 Muñoz Rivera Avenue, Hato Rey, Puerto Rico 00918 (Attn: **ROBERTO C. QUIÑONES-RIVERA, ESQ.**) and Skadden, Arps, State, Meagher & Flom LLP, One Rodney Square, P.O. Box 636, Wilmington, Delaware, 19899 (Attn: **PAUL J. LOCKWOOD, ESQ.**).

In San Juan, Puerto Rico, this 10th day of December, 2019.

VICENTE & CUEBAS

P.O. Box 11609
San Juan, PR 00910-1609
Phone No. (787) 751-8000
Fax No. (787) 756-5250

/s/ Harold D. Vicente

Harold D. Vicente, Esq.
USDC-PR Bar No. 117711
hvicente@vclawpr.com

/s/ Harold D. Vicente-Colón

Harold D. Vicente-Colón, Esq.
USDC-PR Bar No. 211805
hdvc@vclawpr.com

PUJOL LAW OFFICES, PSC

P.O. Box 363042
San Juan, PR 00936-3042
Phone No. (787) 724-0900
Fax No. (787) 724-1196

/s/ Francisco Pujol Meneses

Francisco Pujol Meneses, Esq.
USDC-PR Bar No. 212706
fpujol@pujollawpr.com

BUFETE ANDREU & SAGARDÍA

261 Avenida Domenech
San Juan, Puerto Rico 00918
Phone No. (787) 754-1777/763-8044
Fax No. (787) 763-8045

/s/José A. Andreu Fuentes

USDC-PR Bar No. 204409
jaf@andreu-sagardia.com

*Counsel for Individual Plaintiffs, Beneficiaries of the Retirement System
of the Commonwealth of Puerto Rico*